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REMARKS

This Amendment is submitted in response to the Office Action mailed on November 25, 2008. Claims 1 - 19 are pending, and all stand rejected at present. Claims 3, 4, 6 and 20 have been cancelled.

Support for the amendments which describe features of the recited ATM is found in the Specification on pages 12 and 13.

Support for the added terms "check" and "banknote" is found on page 2, line 23, and page 4, line 23, for example.

Other amendments replace the generic term "valuable media" (or similar) with "check," "sheet currency," "banknote," or the like.

COMMENTS ON MISAWA AND GUTMAN REFERENCES

Misawa Reference

Misawa shows a system for tracking and delivering packages, such as United Parcel Service, UPS, might use.

A customer places an order for an item or merchandise with a merchant by telephone. The merchant affixes an "IC tag" to the item (such as box B in his Figure 1), and also creates a computer file which contains data about the purchase, such as the customer's name and address, etc. It is possible that items in the file are also contained in the "IC tag."

The merchant then sends the file to a shipper, such as UPS.

The shipper picks up the item from the merchant and, using the

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file, delivers the item to the customer. (Misawa: paragraphs 49, 50, and 52.)

Thus, any "tag" in Misawa which the PTO uses to show the claimed "tag" is the "IC tag" described above. As stated above, that "IC tag" is affixed to a package which is in-transit with a shipper.

That "IC tag" does not correspond to the claimed "tag."

Claim 1 states that the "tags" are contained in banknotes or bank checks. Misawa does not show that. A similar comment applies to independent claims 5, 9, 12, 13, and 15 - 19.

Therefore, the claimed "tags" in "banknotes" or "checks" are not found in Misawa.

Gutman Reference

Gutman shows a card which is read by a laptop computer in his Figure 1. He calls the entire assembly an "electronic wallet."

This "wallet" communicates with a bank's computer, in order to execute a financial transaction, such as a balance transfer.

Applicant points out that it is **impossible** for Gutman's "wallet" to dispense cash, as does an ATM.

Applicant also points out that Gutman shows nothing more than so-called "home banking," wherein a person uses a personal computer to access a bank account, and execute a transaction.

Gutman is cited to show the claimed ATM, but, in fact, he does

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not do so.

Therefore, no ATM has been shown in the references.

Re: Definition of ATM

Applicant points out that the definition of ATM cited by the Office Action on page 3 is erroneous. Under that definition, the following would qualify as ATMs:

- a gas station pump, which dispenses gasoline in response to a credit card;
- a vending machine at a post office, which (1) weighs letters and packages and (2) allows one to purchase stamps, including stamps for Express Mail packages; and
- a toll booth on a highway, which accepts payment through a "speed-pass" type of card.
- a copy machine which accepts copy cards or credit cards.

The definition is erroneous. Gutman does not show an ATM (although he mentions an ATM in his column 1).

MPEP § 2111 states:

PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage **as they would be understood by one of ordinary skill in the art**
...

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Applicant points out that no ATM designer would accept the grossly over-broad definition proposed by the PTO.


Further, MPEP § 2173.05(a) states:

During patent examination, the pending claims must be given the broadest reasonable interpretation **consistent with the specification.**

Applicant points out that the Specification, page 1 and elsewhere, indicates that SST (Self Service Terminal) is a generic term and ATM is a subset of that generic term. The definition proposed by the PTO clearly applies to a class of SSTs, and not to ATMs.

Further, the Office Action has not provided any evidence indicating that the definition proposed on page 3 has been accepted by those skilled in the art. The web site to which the definition is attributed (helpwithmybank.gov) is operated by a government agency. It is likely that no person at that agency has every had any involvement in designing an ATM.

Respectfully submitted,


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